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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,140	02/27/2004	Daryl B. Olander	BEAS-01403US0	9268
23910 7590 02/07/2007 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER BELOUSOV, ANDREY	
			ART UNIT 2109	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/789,140	Applicant(s) OLANDER ET AL.	
	Examiner Andrew Belousov	Art Unit 2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the original filing of February 27, 2003. Claims 1-71 are pending and have been considered below.

Examiner's Note: the Applicant appears to be attempting to invoke 35 U.S.C. 112 6th paragraph in Claims 44, 45 and 47 by using "means-plus-function" language. However, the Examiner notes that the only "means" for performing these cited functions in the specification appears to be computer program modules. While the claims pass the first test of the three-prong test used to determine invocation of paragraph 6, since no other specific structural limitations are disclosed in the specification, the claims do not meet the other tests of the three-prong test. Therefore, 35 U.S.C. 112 6th paragraph has not been invoked when considering these claims below.

Claim Objections

1. Claims 33, and 44 are objected to because of the following informalities:
 - a. Claim 33 recites the limitation "generator" in line 2. There is insufficient antecedent basis for this limitation in the claim.
 - b. Claim 44 recites the limitation "the metadata" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 71 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 71 is drawn to a computer data signals (electronic signals) embodied in a transmission medium. The Office considers an electronic signal to be a form of energy. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a compilation of matter. Thus, an electronic transmission signal does not fall within any of the four categories of invention. Therefore, Claim 71 is not statutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1, 2, 4, 5, 8-13, 15-19, 22-26, 28-31, 33, 36-40, 42-45, 47, 50-54, 56-60, 63-67, and 69-71 are rejected under 35 U.S.C. 102(b) as being anticipated by Robertson et al., (5,295,243.)

Claim 1: Robertson discloses a method for building a representation of a graphical user interface (GUI), comprising:

- a. generating a class (Fig. 7, 180);
- b. generating a first representation of the GUI, wherein the class can produce a second representation GUI based on the first representation (Fig. 2, 96; the node 96 in figure 2 is a graphical interface with which a user can interact to: shrink, grow, and select for primary viewing position. The class (Fig. 8, 180) can likewise be used to created similar nodes (representations) col 8 lines 41-43);
- c. generating a second representation of the GUI from the class, wherein the second representation includes at least one control (Fig. 2: 94; control: Fig. 2: 92; or can have a grow tab in much the same way as node 100, with grow tab 102); and
- d. wherein the first representation can include at least one of: hierarchical relationships among controls, control properties, and control event information (Hierarchical relationship: has children in cone Fig. 2: 66, parent in cone 62.)

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Claim 17, 58, 71: Robertson discloses a method, machine readable medium having instructions thereon, and a computer data signal embodied in a transmission medium for building a representation of a graphical user interface (GUI), comprising:

- a. generating a representation of the GUI from metadata, wherein the representation includes at least one control (representation: Fig. 2: 96; col 1, lines 12-15; metadata: Fig. 8, 180; control: Fig. 2: 94; or can have a grow tab in much the same way as node 100, with a grow tab 102);
- b. driving the representation through at least one lifecycle stage by an interchangeable lifecycle component (processor, col 5: lines 4-8);
- c. wherein the metadata can include at least one of: hierarchical relationships among controls, control properties, and control event information (Fig. 8: 184, 186); and
- d. wherein the representation can be driven through the at least one lifecycle stage by an interchangeable lifecycle component (processor, col 5: lines 4-8.)

Claim 30: Robertson discloses a system for building a representation of a graphical user interface (GUI), comprising:

- a. a first component operable to produce a second component and a metadata representation of the GUI (1st component: Fig. 2, 96, 2nd component: 94; metadata: Fig. 8, 180);
- b. the second component operable to produce a hierarchical representation of the GUI based on the metadata, wherein the representation includes at least one

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control (Hierarchical rep: children of Fig. 2: 94 - 92; metadata: Fig. 8, 180;

control: Fig. 2: 94; or can have a grow tab in much the same way as node 100, with grow tab 102);

- c. wherein the metadata can include at least one of: hierarchical relationships among controls, control properties, and control event information (Fig. 8: 184, 186); and
- d. wherein the representation can be driven through at least one lifecycle stage by an interchangeable lifecycle component (processor, col 5: lines 4-8.)

Claim 44: Robertson discloses a system comprising:

- a. a means for generating a first representation of a graphical user interface (GUI) (col 5: lines 10-14; 1st rep: Fig. 2: 96);
- b. a means for generating a second representation of the GUI from the first representation, wherein the second representation includes at least one control (col 5: lines 10-14; 2nd rep: Fig. 2: 94; control: Fig. 2: 94; or can have a grow tab in much the same way as node 100, with grow tab 102);
- c. wherein the metadata can include at least one of: hierarchical relationships among controls, control properties, and control event information (Fig. 8: 184, 186); and
- d. wherein the second representation can be driven through at least one lifecycle stage by an interchangeable lifecycle component (processor, col 5 lines 4-8.)

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Claim 2: Robertson discloses the method of claim 1, further comprising: creating the first representation by parsing a file (col 16 line 64-col 17 line 10.)

Claim 18, 31, 45, 59: Robertson discloses the method, system, and a machine readable medium having instructions thereon, of claim 17, 30, 44, and 58, respectively, further comprising: creating the metadata by parsing a file (col 16 line 64-col 17 line 10.)

Claim 4: Robertson discloses the method of claim 1 wherein: the second representation is a tree (Fig. 2: node 94 (representation of a GUI) has children 92, 82.)

Claim 5: Robertson discloses the method of claim 1 wherein: the step of generating the class occurs as a result of receiving a request (col 16 lines 43-46.)

Claim 19, 33, 60: Robertson discloses the method, system, and a machine readable medium having instructions thereon, of claim 17, 30, and 58, respectively, wherein: the step of generating the metadata representation occurs as a result of receiving a request (col 16: lines 43-46, see also Fig. 7.)

Claim 8: Robertson discloses the method of claim 1 wherein: the second representation can be driven through at least one lifecycle stage by an interchangeable lifecycle component (processor: col 5 lines 4-8.)

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Claim 9, 22, 36, 50, 63: Robertson discloses the method, system, and a machine readable medium having instructions thereon, of claim 1, 17, 30, 44, and 58, respectively, wherein: the at least one control has an interchangeable persistence mechanism (control stored on a data memory: col 16, line 64-col 17 line 10.)

Claim 10, 23, 37, 51, 64: Robertson discloses the method, system, and a machine readable medium having instructions thereon, of claim 1, 17, 30, 44, and 58, respectively, wherein: the at least one control can render itself according to a theme (each control (node) has its own color, data and position allowing it to render itself: Fig. 8: 188, 190, 194.)

Claim 11, 24, 38, 52, 65: Robertson discloses the method, system, and a machine readable medium having instructions thereon, of claim 1, 17, 30, 44, and 58, respectively, wherein: one of the at least one controls can interact with another of the at least one controls (Fig. 4, nodes move accordingly to the node that is selected.)

Claim 12, 25, 39, 53, 66: Robertson discloses the method, system, and a machine readable medium having instructions thereon, of claim 1, 17, 30, 44, and 58, respectively, wherein: one of the at least one controls can advance through the at least one lifecycle stage in parallel with another of the at least one controls (col 2: line 67-col 3, line 2.)

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Claim 13, 26, 40, 54, 67: Robertson discloses the method, system, and a machine readable medium having instructions thereon, of claim 8, 17, 30, 44, and 58, respectively, wherein:

- a. the at least one lifecycle stage is one of: init, load state, create child controls, load, raise events, pre-render, render, save state, unload and dispose (creates child controls, col 7: lines 45-49); and
- b. wherein the lifecycle stage is part of a dynamically configurable lifecycle (col 14: line 67-col 15: line 5; user can dynamically configure (i.e. control, interact) to produce a dynamic lifecycle.)

Claim 15, 28, 42, 56, 69: Robertson discloses the method, system, and a machine readable medium having instructions thereon, of claim 1, 17, 30, 44, and 58, respectively, wherein: the at least one control can raise events and respond to events (can be selected causing an event wherein other controls are rotated, and likewise it could respond by rotating accordingly, Fig. 4.)

Claim 16, 29, 43, 57, 70: Robertson discloses the method, system, and a machine readable medium having instructions thereon, of claim 1, 17, 30, 44, and 58, respectively, wherein: the at least one control can be one of: Book, Page, Window, Menu, Layout, Portlet, Theme, Placeholder, Shell, LookAndFeel, Desktop, Body, Footer, Header, Head, Titlebar, ToggleButton, Treeview, TreeViewWithRadioButtons

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(nodes (control) act as toggle switches for shrinking and growing operations to show or hide its children nodes: col 15: line 36-59.)

Claim 47: Robertson discloses the system of claim 44, further comprising: the means for accepting a request (col 5: lines 8-10.)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 7, 14, 20, 21, 27, 32, 34, 35, 41, 46, 48, 49, 55, 61, 62, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Anuff et al., (6,327,628.)

Claim 3, 32, 46: Robertson discloses a method, and a system of claims 2, 31 and 45, respectively. While Robertson does not explicitly disclose that the file is a JavaServer Pages (JSP) file, Anuff discloses a similar method and a system for building a representation of a graphical user interface (GUI,) wherein creation of the first representation is by parsing a JSP file (Fig. 13: "view.jsp"), therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add this feature disclosed in Anuff to Robertson. One would have been motivated to

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use a JSP file, as it was a common means to encapsulate a program, such as the one disclosed in Robertson and provide a mechanism via which users can access information provided over computer networks, such as the Internet using a browser application.

Claim 6, 20, 34, 48, 61: Robertson discloses a method, system and a machine readable medium having instructions thereon, of claims 5, 19, 33, 47 and 60, respectively. While Robertson does not explicitly disclose that the received request is in HTTP originating from a web browser, Anuff discloses a similar method, system, and a machine readable medium having instructions thereon, for building a representation of a graphical user interface (GUI,) wherein the request is an HTTP request originating from a web browser, therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add this feature disclosed in Anuff to Robertson. One would have been motivated to have an HTTP request originating from a web browser because HTTP was a widely used standard on World Wide Web for request transfers between a web browser and a web server.

Claim 7, 21, 35, 49, 62: Robertson discloses a method, system and a machine readable medium having instructions thereon, of claims 1, 17, 30, 44 and 58, respectively. While Robertson does not explicitly disclose providing a response to a web browser, Anuff discloses a similar method, system, and a machine readable medium having instructions thereon, for building a representation of a graphical user

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interface (GUI,) further comprising providing a response to a web browser (Fig. 13), therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add this feature disclosed in Anuff to Robertson. One would have been motivated to provide a response to a web browser because browser applications were ubiquitous tools for accessing the vast amounts of information and tools (such as the one disclosed in Robertson) available over the Internet, and sending a response back to a web browser is an inherent step in providing such information from the web server to the web browser.

Claim 14, 27, 41, 55, 68: Robertson discloses a method, system and a machine readable medium having instructions thereon, of claims 7, 21, 35, 49 and 62, respectively. While Robertson does not explicitly disclose wherein the response is a hypertext transfer protocol (HTTP) response, Anuff discloses a similar method, system, and a machine readable medium having instructions thereon, for building a representation of a graphical user interface (GUI,) wherein the response is an HTTP response (Fig. 13), therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add this feature disclosed in Anuff to Robertson. One would have been motivated to provide an HTTP response because HTTP was a widely used standard on World Wide Web for requests/responses between a web browser and a web server.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

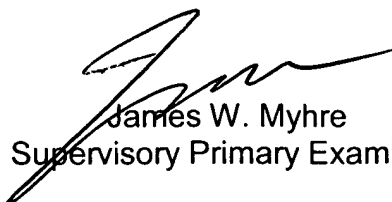
a. Hearst, (6,223,145).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB
Feb 2, 2006


James W. Myhre
Supervisory Primary Examiner